

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VINCENT DANIEL HOPPER
also known as
WAYNE RICKY ELSON RUDDER
also known as
ANTOLIN ANDREW MARKS,

Plaintiff,

vs.

DAVID DICKINSON,

Defendant.

NO. CV-11-3092-LRS

ORDER ADOPTING REPORT AND
RECOMMENDATIONS, DISMISSAL WITH
PREJUDICE, AND IMPOSING SANCTIONS
INCLUDING A PRE-FILING SCREENING

On September 15, 2011, plaintiff Vincent Daniel Hopper aka as Wayne Ricky Elson Rudder aka Antolin Andrew Marks filed, pro se, yet another Petition for Declaration of Citizenship under 8 U.S.C. § 1503(a) and 22 U.S.C. § 2201. ECF No. 2.

The "Petition For A Declaration Of Citizenship Under 8 USC 1503 and 28 USC 2201" filed herein is nearly identical to the petition filed in this Court and assigned case number CV-10-3095-LRS, and then dismissed by an order dated November 30, 2010 (ECF No. 7 in CV-10-095-LRS). The reasons set forth in that order also justify dismissal with prejudice of the petition filed in this matter.

The petition filed in the captioned matter also demonstrates that plaintiff is a seasoned repeat litigant. Proof of plaintiff's past

1 conduct is evidenced by the number of complaints he has filed in this
2 judicial district under different aliases. Additionally, Plaintiff
3 has a lengthy history of abusive litigation in the Western District of
4 Washington. (ECF Nos. 7, 8 in C07-5679 FDB). Mr. Rudder's actions show
5 a pattern of duplicative litigation and abuse of process. The court
6 has reviewed the files herein and finds this action to be duplicative
7 and vexatious. Plaintiff has already been declared a vexatious
8 litigant in the Western District of Washington. The court has
9 reviewed the order entered in the Western District of Washington
10 litigation and concludes that the requirements set forth therein
11 should be put in place in this district.

12 Having reviewed the Report and Recommendation of Magistrate Judge
13 Cynthia Imbrogno and the remaining record, this court does hereby find
14 and **ORDER:**

15 (1) The Court adopts the Report and Recommendation (ECF No. 3).

16 (2) In all future cases, the Plaintiff shall submit a signed
17 affidavit, along with the proposed complaint, verifying under penalty
18 of perjury that none of the issues raised in the proposed complaint
19 have been litigated in the past by the Plaintiff. Plaintiff may not
20 proceed in forma pauperis with a civil rights, Bivens, or Federal Tort
21 Claims Act action without a showing he is in imminent danger of
22 serious bodily injury or death.

23 (3) An application to proceed in forma pauperis, the affidavit
24 required in Item 2 above, and the proposed complaint shall be
25 forwarded by the clerk's office to the Chief Judge of the district, or
26 another judicial officer assigned by the Chief Judge, for review. The
27

1 judicial officer assigned to review such complaint shall determine
2 whether the action should be allowed to proceed. Plaintiff must
3 provide full and complete disclosure of all financial information in
4 support of any in forma pauperis application.

5 (4) Plaintiff is prohibited from filing any duplicative or
6 repetitive motion in an action. The filing of such motions will result
7 in monetary sanctions or dismissal of the actions.

8 (5) This order will apply to all action filed by Plaintiff in
9 this Court and those removed from any other court to this Court.

10 (6) Plaintiff is precluded from asserting any fact, if a court
11 has entered a finding contrary his assertion, without first disclosing
12 that he is making an assertion contrary to a holding in another case
13 and identifying the holding and case with specificity.

14 (7) This action is **DISMISSED WITH PREJUDICE**.

15 (8) Plaintiff shall not be allowed to file any further documents
16 in the captioned matter, with the exception of a Notice of Appeal to
17 the Ninth Circuit Court of Appeals. If plaintiff chooses to appeal,
18 this order serves as this court's notice that the appeal is not taken
19 in good faith and will not be certified for appeal by this court. 28
20 U.S.C. §1915(3) and Fed. R. App. P. 24(a).

21 **IT IS SO ORDERED.** The District Court Executive shall enter
22 Judgment accordingly and provide copies of the Judgment and this order
23 to Plaintiff, and **CLOSE** this file.

24 **DATED** this 10th day of November, 2011.

25 ***s/Lonny R. Suko***

26 _____
27 LONNY R. SUKO
28 UNITED STATES DISTRICT JUDGE